

# ARS □ CSREES □ ERS □ NASS

## *Policies and Procedures*

**Title:** Voluntary Leave Transfer Program

**Number:** 402.7

**Date:** 12/11/90

**Originating Office:** Personnel Division  
Personnel Policy and Systems Branch

**This Replaces:**

**Distribution:** Headquarters, Areas, and Locations

- This program allows an employee to donate annual leave to coworkers for use in medical or family medical emergency situations.
- This program has Government wide applicability. It will provide income protection through the transfer of annual leave (AL) to an employee who, no later than 90 days after the end of the medical emergency, submits an application to his or her employing agency for approval as a Leave Recipient.

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## 1. PURPOSE

The purpose of this DIRECTIVE is to provide general policy, guidelines, and application forms.

## 2. AUTHORITY

5 CFR, Part 630; Public Law 100-566.

## 3. ABBREVIATIONS

- AL - Annual Leave
- APA - Area Personnel Assistants
- LWOP - Leave Without Pay
- SL - Sick Leave
- PD - Personnel Division
- PPSB - Personnel Policy and Systems Branch
- PD NFC - National Finance Center
- OPM - Office of Personnel Management
- T&A - Time & Attendance Report
- TAC - Time & Attendance Coordinator

## 4. FORMS

- AD-1046, Leave Transfer Program - Recipient Application
- AD-1043, Leave Transfer Program - Donor Application
- AD-1044, Temporary Leave Transfer Program - Transactions

## 5. DEFINITIONS

**Family Member** is any of the following: a spouse and his or her parents; children, including adopted children, and their spouses; parents; brothers and sisters and their spouses; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

**Leave Donor** is a current employee who has requested to transfer annual leave to the annual leave account of a leave recipient. The leave donor's voluntary written

request has been approved by the Chief, PPSB.

**Leave Recipient** is a current employee requesting annual leave from the annual leave accounts of one or more donors. The recipient's application for donated leave has been reviewed by his or her supervisor and approved by the Chief, PPSB.

**Medical Emergency** is a medical condition of an employee or a family member of an employee which is likely to require an employee's absence from duty for a prolonged period of time and would result in a substantial loss of income to the employee because of the unavailability of paid leave.

**PC-TARE** stands for Personal Computer - Time and Attendance Remote Entry System. It is NFC's input system. It is one of several current means of inputting data to NFC.

**TINQ** stands for the Time Inquiry System. It actually is an on-line leave correction system.

## **6. ELIGIBILITY**

To confer eligibility for leave transfer, it must be determined that a full-time employee's absence from duty without available paid leave because of a medical emergency is (or, is expected to be) at least 80 hours. (For part-time employees or employees with an uncommon tour of duty, the absence without paid leave is the average number of hours of work in the employee's biweekly scheduled tour of duty.)

To be eligible to participate in the Leave Transfer Program, the employee's AL and SL balances must be zero. If the medical emergency is that of a family member, only the AL must be zero.

An employee who has filed a claim for workers' compensation benefits can become a leave recipient. If, however, the recipient elects to "buy back" or make a cash purchase of AL, the amount of transferred AL bought back by the recipient will be restored to the leave donors (AL restored is subject to the 240-hour limitation).

A leave recipient (full-time employee) may not receive more than 1 calendar year (2,087 hours) of donated leave for any given medical emergency. After 1 year of absence, the Location should consider other alternatives, i.e., return to work,

disability retirement, etc.

The maximum number of hours part-time employees and employees with uncommon tours of duty may receive is calculated as the average number of hours of work in the employee's biweekly scheduled tour of duty for the year.

An employee on LWOP whose application for disability retirement is pending should be cautioned concerning the possible impact of transferred leave on the starting date of his/her annuity. Ordinarily, the starting date of an immediate annuity is based on the last day of an employee's pay status. Thus, if an employee on LWOP receives transferred leave and begins its use in the middle of his/her use of LWOP, he/she will not receive annuity for that period of LWOP prior to the use of transferred leave.

## **7. LIMITATIONS**

An employee may not donate any more than one-half of the AL that he/she would accrue during the leave year.

Any leave donated and transferred to a recipient for a specific medical emergency is to be used only for that purpose.

Leave donated is taxable income to the recipient but may not be used as a deductible item for employees donating the leave.

No AL may be transferred from an employee to his/her immediate supervisor.

Toward the end of the leave year, there are ceilings on the amount of leave that can be donated. Therefore, an employee can only donate the lesser of: (1) one-half of the AL that he/she would accrue (if the donor earns 8 hours of leave a pay period, he/she could donate 104 hours of AL), or (2) the number of hours remaining in the leave year (as of the date of the transfer) for which the leave donor is scheduled to work and receive pay. Thus, for example, if there are 3 working days remaining in the leave year and the donor has not donated up to his/her limit for donations, then 24 hours may be donated.

Waivers concerning AL forfeiture will be considered in unusual circumstances. A written request should be submitted to the Chief, PPSB.

## **8. APPROVAL OF RECIPIENT APPLICATION**

### **Responsible Person/Office**

**Potential Recipient** completes the Leave Recipient Application, AD-1046, (Exhibit 1), attaches a brief description and medical certificate, and submits it through the supervisor and the TAC or Staff/Division heads, to the approving office (Chief, PPSB, Personnel Division (PD), Room 128, 6305 Ivy Lane, Greenbelt, Maryland, 20770-1435). Sufficient time for processing should be factored into the submission (approximately 3 calendar days).

**Recipient or Timekeeper.** Complete the Current AL Balance, the Pay Period, and the AL Category Per Pay Period under Part II of the Leave Recipient Application Form.

**TAC.** The TAC will check to assure that the balance of AL and SL (for personal emergencies) or just AL (for family emergencies) will be exhausted at the time of approval.

### **PPSB.**

- Reviews the application within 10 workdays, approves or disapproves it, and indicates on the Leave Recipient Application Form the action taken. (Approvals will be based upon the applicant showing a "medical emergency" which will result, or has already resulted, in the applicant being without paid leave for 10 workdays or more.)
- By phone notifies the recipient's timekeeper and TAC of the approval. After the processing of donor applications, written notification will be forwarded to the timekeeper.
- Notifies the timekeeper in what pay period the leave accruals of the recipient are to stop. After this pay period is in the NFC system, PPSB enters a "Y" in the "Approved Leave Recipient" field in the PRES DP120 screen.

**Recipient's Office.** Publicizes the need for donated hours. This could be by word of mouth in the recipient's immediate office or through the use of electronic mail. (See confidentiality requirements in section 9.)

## **9. APPROVAL FOR DONOR APPLICATION**

## **Responsible Person/Office**

**Potential Donor.** Completes the Leave Donor Application, AD-1043, (Exhibit 2) and submits it through the supervisor and the TAC or Staff/ Division head to PPSB.

NOTE: The donor must name a recipient for PPSB to process the request. If the donor wants to know the name and location of a recipient, PPSB will furnish that information. However, no further information about the recipient can be furnished due to the privacy requirements.

**TAC.** Reviews the application and makes sure all sections are complete.

## **PPSB**

- Reviews the application, and approves or disapproves it.
- Notifies the donor of the approval or disapproval and forwards the notification to the timekeeper.

## **10. CONFIDENTIALITY**

### **Responsible Person/Office**

**All Persons.** Those involved in the processing of a leave transfer recipient or donor will protect the confidentiality of all related communications with the leave recipient and all other parties to the leave transfer and the right of the individuals to privacy. Access to information is limited to those who have a need to know and those with written permission of the recipient for the release of specific information. Individuals granted access should be counseled of the requirements of this paragraph.

## **11. TRANSFER OF LEAVE**

### **Responsible Person/Office**

## **PPSB**

- Notifies the donor's timekeeper of the pay period in which to deduct the hours donated.



- Notifies the recipient's timekeeper of the number of hours that have been donated, the pay period to reflect the increase, and how to apply the donated leave.

**Donor's Timekeeper.** During the pay period specified on the notification, changes the donor's AL FORWARD of PC-TARE's MASTER RECORD to deduct the amount of hours donated.

**Recipient's Timekeeper.** Changes the recipient's respective data on PC-TARE's MASTER RECORD, AL FORWARD, to reflect this increased amount. (This brings the total into agreement with the changes made by PPSB during that same pay period in the NFC database by the TINQ system.)

NOTE: When a person is on leave and is expected to be a leave recipient, it is ARS' advice that the timekeeper should advance him/her AL rather than SL since all donated hours are applied to the AL balance and not to SL or LWOP.

## **12. ACCRUAL WHILE UNDER THE PROGRAM**

Public Law 100-566 limits the amount of AL and SL a leave recipient may accrue while using transferred leave. Leave accrual is limited to 5 days (40 hours) of AL and 5 days (40 hours) of SL for use after the medical emergency terminates. In the case of a part-time employee or an employee with an uncommon tour of duty, the maximum accrual is the average number of hours of work in the employee's weekly scheduled tour of duty.

NOTE: Leave recipients will earn AL at their current rate of accrual. To implement this provision it is necessary for the timekeeper to manually track the leave recipient's sick and annual leave accruals in a special, separate leave account for the employee.

### **Procedure for Establishing the Manual Record**

#### **Responsible Person/Office**

**PPSB:** Notifies the timekeeper when to begin manually tracking all the accrued and used leave.

**Recipient's Timekeeper:**

- Places an "O" in both AL and SL leave accrual columns of PC-TARE'S MASTER RECORD for each pay period the leave recipient is in a transferred leave status.
- Tracks the accrual of annual and sick leave in a separate Manual account - the "Remarks" block of the T&A. (The leave recipient may not use these hours of leave until the medical emergency has ended.)

NOTE: Once the employee reaches the 5-day (40 hour) limitation, he/she will accrue no additional leave.

**13. PROCESSING ACCRUALS WHILE ENDING THE PROGRAM****Procedure for Taking the Recipient out of the Program and Ending the Manual Record****Responsible Person/Office**

**Recipient's Supervisor:** Notifies PPSB in writing that the recipient's emergency has ended.

**PPSB:** Enters an "N" in the "Approved Leave Recipient" block on the PRES DP120 screen. This identifies the employee as a nonrecipient.

**Recipient's Timekeeper**

- Upon receipt of PPSB's notification, begins leave accruals for the employee by replacing the "O" in the leave accrual columns of the PC= TARE Master Record with the appropriate 4, 6, or 8 hours of accrual.
- Moves the AL and SL accrued in the Manual account back into the regular AL and SL account of the employee's MASTER RECORD.

NOTE: The exception to these instructions is when the recipient has a negative leave balance at the end of the emergency. Employees must be allowed to use their "leave cushion" of up to 40 hours of AL and 40 hours of SL upon leaving the program, even though they may have a negative leave balance. Therefore, for those employees

who still have a negative leave balance, do not move the Manual account into the regular AL and SL account, but continue to track the use of the leave that had been earned while in the program in the "Remarks" block until it is exhausted.

#### **14. SUBSTITUTION FOR ADVANCED LEAVE AND LWOP**

After the emergency has ended but before the employee is taken out of the program, if there is any excess donated leave, recipients may substitute donated AL for advanced SL or LWOP.

##### **Procedure**

##### **Responsible Person/Office**

**PPSB:** Notify the timekeepers of the proper pay period to debit and credit the AL and SL-FORWARDED elements of the PC-TARE MASTER MENU.

##### **Procedure in cases involving advanced AL or SL**

##### **Responsible Person/Office**

##### **Recipient's Timekeeper**

- Send to PPSB a leave audit from the period of the leave initiation to the present.
- Compile a corrected T&A to reflect the debiting and crediting of the leave and send this to NFC.

**PPSB:** Through TINQ, debit the AL current balance and credit the SL current balance.

##### **Procedure in cases involving LWOP**

##### **Responsible Person/Office**

##### **Recipient's Timekeeper**

- Complete a corrected T&A starting at the beginning of the emergency and

transmit it to NFC.

- Continue to decrease the LWOP balance while increasing the AL used total until the excess donated leave is exhausted.
- After the employee has received a check for these hours, send a leave audit to PPSB.

**PPSB:** Decrease the LWOP balance in the NFC database through TINQ.

## 15. TERMINATION

The medical emergency affecting a leave recipient shall terminate:

- When the leave recipient's Federal service is terminated.
- At the end of the biweekly pay period in which PPSB receives written notice from the recipient, through the supervisor, that the medical emergency no longer exists.
- At the end of the biweekly pay period in which PPSB determines that the medical emergency no longer exists. This will only occur after the supervisor has given the recipient a written notice of termination and the recipient, or the person acting on their behalf, has had an opportunity to answer in writing that the medical emergency no longer exists.
- At the end of the biweekly pay period in which PPSB receives notice that OPM has approved an application for disability retirement.

**NOTE: It is crucial that when the recipient's personal emergency ends, the recipient or the supervisor will, through the TAC, notify the Chief, PPSB, by forwarding a written termination statement.** In Headquarters offices the signed notice of termination will be sent through the Staff/Division Head to the Chief, PPSB. No further requests for transfer of annual leave to the Leave Recipient may be granted. Any unused transferred annual leave credited to the Leave Recipient shall be restored to the Leave Donors by PPSB. An employee may only be a recipient a total of three (3) times.

Supervisors, as well as recipients, should carefully monitor the progress of the emergency. As there is no accrual of the employee's own AL or SL beyond 40

hours, it is to the advantage of both the supervisor and the employee that the employee be taken out of the program as soon as he/she is able to return to work.

## **16. RESTORATION**

Any transferred AL remaining credited to the Leave Recipient after termination of the personal emergency shall be restored to the Leave Donor by PPSB, with the following exceptions:

- Any Leave Donor who dies, retires, or is separated from Federal service loses his/her right to leave restoration.
- If the number of donors eligible for restoration exceeds the number of hours of AL to be restored, the leave is just dropped and no unused transferred AL will be restored.
- There will be no fractional hours of leave restored. All restored leave will be rounded down to the nearest hour.

Donors may elect to have unused transferred AL restored to them in one or a combination of the following ways:

- Crediting the restored AL to the donor's account in the current year.
- Crediting the restored AL to the donor's AL account effective as of the first day of the first leave year after the date of the donor's election.
- Donating the unused transferred AL in whole or in part to another leave recipient. To accomplish this the donor must first be restored his/her hours of leave and then complete a new donor application.

Transferred AL restored to the account of a leave donor is subject to the 240-hour limitation per leave year for employees in the United States and 360-hour limit Per leave year for employees overseas.

## **17. TRANSFER AMONG AGENCIES**

### **Procedure for Accepting Leave from Another Department**

## **Responsible Person/Office**

**Chief, PPSB:** Before accepting the transfer of AL from a leave donor of another Department, sends the Leave Donor Application (Exhibit 2) and the Transaction Application (Exhibit 3) to the donor.

**Potential Donor/Supervisor/Personnel Officer:** Completes all the necessary information on the Donor and Transaction Applications. Their Personnel Officer signs the Transaction Application and the donor and the supervisor sign the Donor Application. These two forms are returned to the Chief, PPSB.

**Chief, PPSB:** Approves the donation and sends copies of the approved forms to the donor's timekeeper. The recipient's timekeeper is notified by PPSB of the donated amount and the pay period it is to be added.

## **Procedure for Donating Leave to a Recipient in Another Department**

### **Responsible Person/Office**

**Potential Donor:** Before donating leave to a recipient in another Department, fills out a Donor and a Transaction Application and sends them through the TAC or the Staff/Division head to PPSB.

**Chief, PPSB:** Signs both forms and sends them to that Department. PPSB notifies donor's timekeeper of the pay period the leave is to be subtracted. (The subtraction date will be based on the date the action is signed in PPSB.)

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### **Exhibits**

- 1 Leave Recipient Application (AD-1046)
- 2 Leave Donor Application (AD-1043)
- 3 Transaction Application (AD-1044)

EXHIBIT 1      Leave Recipient Application (AD-1046)

EXHIBIT 2      Leave Donor Application (AD-1043)



EXHIBIT 3      Transaction Application (AD-1044)